

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:07CR71
vs.)	
)	ORDER
NOE HERNANDEZ-ROMERO and)	
SAMUEL HERNANDEZ-MONTILL,)	
)	
Defendants.)	

This matter is before the court on the motion of Noe Hernandez-Romero to continue the trial currently set for June 19, 2007. For good cause shown, a continuance will be granted; however, the court's calendar can only accommodate a continuance to June 26, 2007.

IT IS ORDERED that the Motion to Continue Trial [92] is granted, as follows:

1. The above-entitled case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Tuesday, June 26, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **June 19, 2007 and June 26, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. This order applies to defendants Noe Hernandez-Romero and Samuel Hernandez-Montill.

DATED June 5, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge